IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.MC.No. 497 of 2007()

LP.230/2003 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR

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PETITIONER: ACCUSED:

P. MURUKESAN, AGED 36,
S/O.PARAMANANDA PILLAI, RATHINA BHAVAN,
NADUKKUNNU P.O., PATHANAPURAM,
KOLLAM DISTRICT.

BY ADV. SRI.K.SHIBILI NAHA

RESPONDENTS: COMPLAINANT & STATE:

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1. FOOD INSPECTOR, PUNALUR CIRCLE,
KOLLAM.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY P.P. SRI. S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 497 of 2007

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Dated this the 26th day of February, 2007

O R D E R

The petitioner faces indictment in a prosecution under the provisions of the Prevention of Food Adulteration Act. Cognizance appears to have been taken as early as in 2001, as revealed from the number assigned to the case, i.e. S.T.No. 3732 of 2001. The said case has been transferred to the list of long pending cases and the same is now pending as L.P.No.230 of 2003. The petitioner finds himself in the unenviable predicament of coercive process, including a non-bailable warrant issued by the learned Magistrate chasing him. He is prepared to surrender before the learned Magistrate. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. The petitioner, in these circumstances, has come to this Court with this petition under Section 482 Cr.P.C. for a direction that the petitioner's application for bail may be considered on merits, in accordance with law and expeditiously.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339).

3. This Crl.M.C. is accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself, unless there are compelling and exceptional reasons.

(R. BASANT)
Judge

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